

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  ITC MIDWEST LLC AND DAIRYLAND POWER COOPERATIVE	DOCKET NO. E-22386
--	--------------------

**ORDER REQUIRING CONSTRUCTION UPDATE**

**BACKGROUND**

On May 11, 2018, ITC Midwest LLC and Dairyland Power Cooperative (collectively, Petitioners) filed with the Utilities Board (Board) petitions for electric transmission line franchises. As subsequently amended, Petitioners requested franchises to construct, operate, and maintain approximately 6.51 miles of 362,000 volt maximum operating voltage (345 kV nominal voltage) electric transmission line and 2.44 miles of 169,000 kV maximum operating voltage (161 kV nominal voltage) electric transmission line in Clayton County and 7.74 miles of 345 kV electric transmission line in Dubuque County. Hearing in this matter commenced on December 10, 2019, in Dubuque, Dubuque County, Iowa, and concluded on December 12, 2019.

On May 27, 2020, the Board issued an Order Granting Petition for Electric Franchises and Right of Eminent Domain (Final Order). The Board found that the electric transmission lines as described in the revised petitions are necessary to serve a public use and represent a reasonable relationship to an overall plan of transmitting electricity in the public interest. The Board further concluded that vesting Petitioners

DOCKET NO. E-22386

PAGE 2

with the right of eminent domain is necessary for public use, pursuant to Iowa Code §§ 476.6 and 478.15. On June 3, 2020, the Board issued Franchise Nos. 20004 and 20005, authorizing the construction of the proposed transmission lines.

On June 17, 2020, Chris Klopp filed a Petition for Rehearing of the Board's May 27, 2020 order. On June 30, 2020, Petitioners filed a Joint Resistance to Petition for Rehearing. On July 1, 2020, the Office of Consumer Advocate, a division of the Iowa Department of Justice, filed a Response to Petition for Rehearing. On July 15, 2020, the Board issued an order denying the petition for rehearing.

### **BOARD DISCUSSION**

As identified in the Board's Final Order, the transmission lines approved in this docket are a portion of an overall project to provide additional connection between the electric transmission systems in Iowa and Wisconsin to provide increased reliability to the overall transmission system and provide the capability to transmit an additional 9.4 MW of generation capacity to the electric transmission system in Wisconsin.

Upon issuance of the franchises in this docket, the Petitioners are authorized to commence construction of the portion of the project to be located in Iowa. In order for the overall project objectives to be achieved, completion of the Wisconsin portions of the project are necessary. Additionally, alterations to existing transmission lines are contemplated in relation to the construction of the transmission lines approved herein.

The Board is aware that ongoing litigation in Wisconsin has delayed the completion of the regulatory processes necessary to complete construction of the project within that state. In other cases in which a proposed transmission line crossed

DOCKET NO. E-22386

PAGE 3

into a neighboring state, the Board conditioned approval of the franchises on approval of neighboring states. See *In Re: MidAmerican Energy Company and ITC Midwest LLC*, Docket No. E-22269, “Order Granting Petitions for Electric Franchises,” p. 30 (Aug. 18, 2017). In order for the Board to maintain regulatory oversight of those portions of the transmission project approved in this docket, it is necessary for the Petitioners to update the Board in regard to the progress of construction in Iowa and the impacts of ongoing litigation in Wisconsin on the progress in Iowa.

The Board will request an update from the Petitioners on the progress of construction in Iowa and any current or potential delays to this project arising from the ongoing regulatory process in Wisconsin.

### **ORDERING CLAUSE**

#### **IT IS THEREFORE ORDERED:**

Within 30 days of the issuance of this order, ITC Midwest LLC and Dairyland Power Cooperative shall file an update with information regarding the following:

- The progress of constructing transmission facilities pursuant to Franchise Nos. 20004 and 20005, including an anticipated in-service date and any delays or impacts to such construction arising from the ongoing regulatory process in the state of Wisconsin;
- Any other pending matters related to the securing of permits, licenses, or approvals that may impact the timing or completion of construction of the transmission lines authorized in this docket;

DOCKET NO. E-22386

PAGE 4

- An explanation of whether the Iowa portion of the proposed transmission line can be used and useful if the Wisconsin portions of the line are delayed or not built at all and, if so, how.
- A list of all possible transmission and distribution facility projects, including the identity of the owner of such projects, names of the projects, county in which they are located, and franchise numbers, that could be disrupted by a delay in the construction and operation date of the transmission lines authorized in this docket.

**UTILITIES BOARD**

**Geri Huser** Date: 2021.07.07  
18:32:04 -05'00'

---

**Richard Lozier** Date: 2021.07.06  
08:51:41 -05'00'

---

ATTEST:

**Anna Hyatt** Date: 2021.07.08  
08:06:06 -05'00'

---

**Joshua J Byrnes** Date: 2021.07.07  
17:28:42 -05'00'

---

Dated at Des Moines, Iowa, this 8th day of July, 2021.